

Honorable Mayor and Members
of the City Council
City Hall
Torrance, California

Members of the City Council:

Subject: Appeal of the License Review Board's Revocation of the Business License (Massage Establishment) issued to Eastern Health Massage and Spa (located at 20201 Anza Avenue)

RECOMMENDATION

Staff recommends that your Honorable Body concur with the decision of the License Review Board (LRB) to revoke the business license issued to Eastern Health Massage and Spa, for numerous violations of the City of Torrance Municipal Code.

BACKGROUND/ANALYSIS

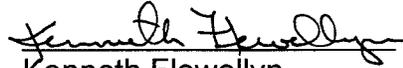
At the request of the City of Torrance's Chief of Police, a revocation hearing was held on January 5, 2010 before the LRB regarding the revocation of a business license issued to Eastern Health Massage and Spa for numerous violations of the Torrance Municipal Code.

At the revocation hearing, testimony was heard as well as arguments from both the City and Eastern Health Massage and Spa representatives pertaining to the revocation. The LRB voted unanimously (3-0) to revoke the business license based on the evidence.

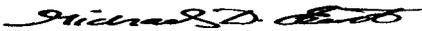
On January 20, 2010, Lian Sheng Hu, owner of Eastern Health Massage and Spa, filed an appeal of the LRB decision with the Torrance City Clerk and as such, the record of the LRB has been presented to you for your review and this hearing has been set. Attached is a copy of the record of the proceedings before the LRB,

Eastern Health Massage and Spa's Notice of Appeal, the City's Appeal Brief, Eastern Health Massage and Spa's Brief in Opposition to Revocation, and the City's Reply Brief.

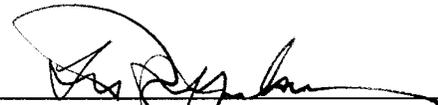
Respectfully submitted,


Kenneth Flewellyn
Assistant Finance Director

CONCUR:


Michael D. Smith
Chairperson, License Review Board

NOTED:


LeRoy J. Jackson
City Manager

City Attorney Note:

Council Rules of Order Section 7.7 provides that appeals from the License Review Board are made on the record from the License Review Board. The City Attorney's Office believes that the record of the License Review Board's hearing is inadequate since there is no transcript and only action minutes that do not summarize the evidence presented to the License Review Board. Due to the fact that the record is inadequate, the hearing will need to be a full evidentiary hearing or the matter should be sent back to the License Review Board for a rehearing so that an adequate record can be made for the City Council to review. The original hearing at the License Review Board took four hours and we anticipate that a full evidentiary hearing in front of the City Council would take the same amount of time. Therefore, the City Attorney's Office recommends that the City Council send this matter back to the License Review Board for a rehearing.

*Attachments:

- A. Torrance City Council Appeal Brief
- B. Torrance License Review Board Revocation Brief
- C. Letter from Chief of Police to City Clerk
- D. Notice of License Suspension or Revocation from City Clerk to Appellant
- E. Business License Application of Appellant
- F. Police Report
- G. Police Report
- H. License Review Interview Summary
- I. Torrance Police Department Municipal Code Highlights
- J. Article 9 - Torrance Municipal Code - Licenses
- K. Article 11 - Torrance Municipal Code - Massage Establishments
- L. Certified Court Docket as of December 7, 2009

- M. Ordinance No. 3720 - Article 14 - Massage Establishments
- N. Certified Court Docket as of December 29, 2009
- O. Appellant's Statement
- P. Appellant's Client Treatment Record
- Q. Appellant's Sign-In Sheet
- R. Appellant's Customer Information Sheet
- S. Appeal
- T. License Review Board Agenda January 5, 2010
- U. Findings of Fact and Conclusions of Law
- V. Action Minutes from License Review Board Hearing January 5, 2010

*Limited Distribution

ALL MATERIALS HAVE BEEN DISTRIBUTED TO THE:

THE MAYOR

6 COUNCIL MEMBERS

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